



United States Department of Agriculture

United States
Department of
Agriculture

Office of the Chief
Information Officer

1400 Independence
Avenue SW
Washington, DC
20250

July 2, 2019

Delivered via Electronic Mail

Emma Best
Email: 73610-13437906@requests.muckrock.com

**RE: Freedom of Information Act (FOIA) Request 2019-DA-04229-F
Final Response**

Dear Ms. Best:

This is the final response to the May 21, 2019 Freedom of Information Act (FOIA) request submitted to the U.S. Department of Agriculture (USDA), Departmental FOIA Office (DFO). The request sought the following records:

1. Documents generated as part of the creation of the FOIA office (defined as whatever department, office, or coordinator is responsible for overseeing and/or processing FOIA requests), whether this was at the time of the agency's creation or the passage of the Freedom of Information Act;
2. A copy of the agency's first perfected (successful) FOIA request;
3. Copies of other FOIA requests filed before the FOIA request described above;
4. Processing notes, search slips and response documents regarding the FOIA requests described above;
5. The first set of guidelines, instructions and/or forms created to control the agency's processing of FOIA requests;
6. A copy of the agency's first successful FOIA appeal;
7. Copies of other FOIA appeals received by the agency before the appeal described above;
8. Processing notes, search slips and response documents regarding the FOIA appeals described above; and
9. The first set of guidelines, instructions and/or forms created to control the agency's processing of FOIA appeals.

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Your request has been processed under the FOIA, 5 U.S.C. § 552.

Regarding Items 1, 5 and 9 above, a comprehensive search for responsive records was conducted in the Office of the Executive Secretariat (OES). The OES ensures that all Department officials are included in the correspondence drafting and policy making process through a managed clearance and control system. In addition, files maintained by the OES are a valuable historical resource designed to serve as the historical evidence of, among other things, the Department's organization, operations and functions.

The OES search was conducted in the Enterprise Correspondence Management Module (ECMM). ECMM manages correspondence and other documents from initial receipt through completion and archival storage. Correspondence includes inquiries from the public, private, political, and internal sectors, from the beginning of the inquiry up to and including the resolution and response back to the originator.

The OES search did not locate any records that are responsive to your request. For this reason, I am unable to provide you with any responsive records.

In addition to initiating an OES search for Items 1, 5 and 9, the DFO directed an inquiry to OES's Departmental Policy Office (DPO) regarding records pertaining to the creation or establishment of the Department's FOIA Office. The DPO was not aware of any responsive records maintained by the agency, but suggested that a search for these records might be directed to the U.S. National Archives and Records Administration (NARA). Instructions for searching archival records of Executive Branch agencies preserved by the NARA, as well as for submitting FOIA requests to NARA, can be found at the link below:

<https://www.archives.gov/foia/foia-guide>

Under Items 2, 3, 4, 6, 7 and 8 above, you requested records associated with the first FOIA requests and appeals processed by the agency. Records pertaining to these early requests are no longer maintained by the agency. In accordance with the NARA records retention schedule for FOIA-related records, these records were destroyed no later than six (6) years after the final agency action or three (3) years after final adjudication by the courts, whichever was later (see the NARA General Records Schedule 4.2: Information Access and Protection Records, January 2017). Therefore, I am unable to provide any records in response to these request items.

You may appeal this response by email at USDAFOIA@ocio.usda.gov, or by mail to the Assistant Secretary for Administration at 1400 Independence Avenue, S.W., Whitten Building, Room 209-A, Washington, D.C. 20250-0103. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The DFO will not consider appeals received after the 90 calendar day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should

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include the FOIA tracking number listed above, a copy of the original request, the DFO's response to your original request, and a statement explaining the basis of your appeal. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal."

If you have any questions regarding this letter, please contact Ms. Christine Jordan at 202-772-9091 or electronically at Christine.Jordan@ocio.usda.gov or USDAFOIA@ocio.usda.gov.

You may seek dispute resolution services from the DFO's FOIA Public Liaison, Ms. Ravoyne Payton at USDAFOIA@ocio.usda.gov.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll-free at 1-877-684-6448; or facsimile at 202-741-5769.

The DFO Team appreciates the opportunity to assist you in this matter.

Sincerely,

Alexis R. Graves
Departmental FOIA Officer
Office of the Chief Information Officer